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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/752,651	01/07/2004	Richard C. Fuksa	926512-101092	4106
23644 7590 02/15/2007 BARNES & THORNBURG LLP P.O. BOX 2786 CHICAGO, IL 60690-2786			EXAMINER SCHNEIDER, CRAIG M	
			ART UNIT	PAPER NUMBER
			3753	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/15/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/752,651

Applicant(s)

FUKSA ET AL.

Examiner

Craig M. Schneider

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
3. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wise (3,621,868) in view of Miller.

Wise discloses a valve pin insert (32) in combination with a valve plate, the pin insert having a body inserted into a valve plate (26) as seen in Figures 3 and 4 (col. 2, lines 10-12) and in the insert position, the valve pin insert is fixedly connected to the first member; the valve pin insert is coupled to a valve (33), the valve moveable relative to the valve plate member (col. 2, lines 18-28). Wise does not disclose a valve pin insert wherein the body has a lower shank at one end of the body and an upper shank adjacent to the lower shank, the lower shank being of a first diameter and the upper shank being of a second diameter, the first diameter being less than the second

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diameter and wherein between the lower shank and the upper shank of the body an undercut shoulder forms a recess opening in the direction toward the lower shank, the recess forming a tooth that shears material of the valve plate as the pin is inserted into a hole in the valve plate and wherein the valve pin insert has an insert position, wherein when in the insert position, the upper and lower shank are disposed in the valve plate. Miller discloses a dowel (10) that has a lower shank at one end of the body and an upper shank adjacent to the lower shank as seen in Figure 4B col. 3, lines 23-25), the lower shank being of a first diameter and the upper shank being of a second diameter, the first diameter being less than the second diameter and wherein between the lower shank and the upper shank of the body an undercut shoulder forms a recess opening in the direction toward the lower shank, the recess forming a tooth that shears material as the dowel is inserted into a hole as seen in Figure 4B and wherein the valve pin insert has an insert position, wherein when in the insert position, the upper and lower shank are disposed in the valve plate. The diameter of the lower shank is less than the diameter of the hole in the valve plate. The diameter of the hole of the valve plate must be larger than the dowel when the dowel is inside the hole.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the dowel construction of Miller onto the valve pin of Wise, in order to have a quick and easy connection (abstract of Miller).

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wise and Miller as applied to claim 1 above, and further in view of Kawaguchi et al..

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Wise and Miller disclose all the features of the invention except that the pin is made of PEEK. Kawaguchi et al. discloses the use of PEEK as a corrosion resistant material (page 3, paragraphs 53-55).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the plastic material utilized by Wise and Miller for the PEEK material of Kawaguchi et al., in order to make the plastic more chemical resistant.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wise and Miller as applied to claim 1 above, and further in view of Malloy et al..

Wise and Miller disclose all the features of the claimed invention except that the valve plate is made of plastic. Malloy et al. disclose the use of PTFE for chemical resistance (col.2, lines 57-62).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the PTFE as taught by Malloy et al. onto Wise and Miller, to make the material that the dowel is being inserted into more resistant to chemicals.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wise and Miller as applied to claim 1 above, and further in view of Runge.

Wise and Miller disclose all the features of the claimed invention except that the undercut- shoulder is molded into the pin, Runge discloses that the dowel is molded (col. 2, lines 58-68 onto col. 3, lines 1-2 and in claim 4).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to mold the entire pin of Wise and Miller as taught by Runge which would include the undercut shoulder, in order to decrease manufacturing cost.

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7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wise and Miller as applied to claim 1 above, and further in view of Kindt.

Wise and Miller disclose all the features of the claimed invention except that the undercut shoulder is machined into the pin. Kindt discloses machining of a portion of the dowel below a flange (col. 2, lines 4-8).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the undercut shoulder of Wise and Miller machined as is the area below the flange of Kindt, in order to make sure that the valve pin insert of Wise and Miller is in coaxial alignment of the bored recess in the work.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wise and Miller as applied to claim 1 above, and further in view of Hinkel.

Wise and Miller disclose all the features of the claimed invention except that the undercut shoulder extends to a depth beneath the surface of the lower shank. Hinkel discloses the use of an undercut shoulder extending to a depth beneath the surface of the lower shank as seen in Figure 2b(col. 4, lines 47-67 onto col.5, lines 1-53).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the undercut shoulder of Hinkel onto the valve pin insert of Wise and Miller, in order to create a positive-locking manner.

9. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wise and Miller as applied to claim 1 above, and further in view of Applicant's Exhibit A.

Wise and Miller disclose all the features of the claimed invention except that the pin further comprises a stud extending axially outwardly from the body. Applicant's exhibit A discloses the use of a stud at the end of the dowel as shown in Figure 1.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the stud of Applicant's Exhibit A onto the pin insert of Wise and Miller, in order to attach items to the end of the pin insert.

### ***Response to Arguments***

10. The declaration under 37 CFR 1.132 filed 12/19/2006 is insufficient to overcome the rejection of claims 1-8 based upon the 103(a) rejection of claims 1 and 2 based upon Wise in view of Miller, the 103(a) rejection of claim 3 based upon Wise/Miller in view of Kawaguchi et al., the 103(a) rejection of claim 4 based upon Wise/Miller in view of Malloy et al., the 103(a) rejection of claim 5 based upon Wise/Miller in view of Runge, the 103(a) rejection of claim 6 based upon Wise/Miller in view of Kindt, the 103(a) rejection of claim 7 based upon Wise/Miller in view of Hinkel, the 103(a) rejection of claim 8 based upon Wise/Miller in view of Applicant's Exhibit A, as set forth in the last Office action because: it is noted that declarant Fuksa is the inventor of the present invention and would appear to have a biased interest regarding the patentability of the claims. It appears that declarant Fuksa has merely adopted the attorney's argument and presented them in the guise of a declaration. Declarant only alleges that it would not be obvious to declarant to arrive at the claimed invention and states that he believes it would not be obvious to anyone else of ordinary skill in the art either. Declarant's knowledge and beliefs are not germane to the issue of patentability. Declarant has not

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presented any facts related to the obviousness rejection in the present declaration. The declaration must set forth facts, not mere conclusions, and the facts must be pertinent to the rejection. Therefore, having considered the factual inquiries specified in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), and the factual allegations in the applicant's declaration in accordance with the provision of 37 CFR 1.132, the rejections are deemed proper for the reasons set forth above.

11. In view of the foregoing, when all of the evidence is considered, the totality of the rebuttal evidence of nonobviousness fails to outweigh the evidence of obviousness.

12. Applicant's arguments filed 12/19/2006 have been fully considered but they are not persuasive. The dowel structure of Miller is being utilized to anchor the valve pin onto the valve plate as disclosed by Wise in order to have a quick and easy connection as taught by Miller.

### ***Conclusion***

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of



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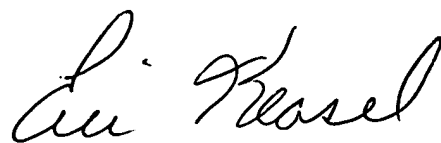
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig M. Schneider whose telephone number is (571) 272-3607. The examiner can normally be reached on M-F 8:30 -5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Keasel can be reached on (571) 272-4929. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CMS *cmr*  
February 6, 2007



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